

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
CENTRAL DIVISION

_____)	
DONALD P. SPEAKMAN, STEPHEN H.)	
WEDEL, and MARK L. ROBARE,)	
Individually and On Behalf of All Others)	
Similarly Situated,)	
)	
Plaintiffs and)	
Counterclaim Defendants,)	
)	Civil Action No. 4:04-cv-40077-FDS
v.)	
)	
ALLMERICA FINANCIAL LIFE INS. &)	
ANNUITY CO., FIRST ALLMERICA)	
FINANCIAL LIFE INS. CO., and)	
ALLMERICA FINANCIAL CORP.,)	
)	
Defendants and)	
Counterclaim Plaintiffs.)	
_____)	

DEFENDANTS' MOTION TO FILE CONFIDENTIAL MATERIAL UNDER SEAL

Pursuant to the Protective Order entered in this case, Defendants and Counterclaim Plaintiffs Allmerica Financial Life Insurance and Annuity Company ("AFLIAC"), First Allmerica Financial Life Insurance Company ("FAFLIC"), and Allmerica Financial Corporation ("AFC") (collectively, "Allmerica") move for leave to file Confidential Material under seal.

1. Paragraph 16 of the Protective Order entered by the Court on October 5, 2005, provides as follows: "If a party wishes to make a submission to the Court that includes Confidential Material, the party shall make a motion in accordance with Local Rule 7.2 to file or present particular Confidential Material under seal. However, if the Court denies permission to file or present the Confidential Material under seal, the party seeking to file or present the material shall not be precluded from filing or presenting the Confidential Material to the Court."

2. Allmerica's Opposition to Plaintiffs' Motion for Class Certification relies on certain documents that Plaintiffs have produced during discovery in this case as "Confidential Material," as defined by the Protective Order. Allmerica also includes those documents in its Appendix to its Opposition.

3. Allmerica respectfully requests that the Court permit it to file under seal its Opposition and Appendix.

4. Because the Court's rules prohibit the electronic filing of documents under seal, Allmerica is placing its Opposition and Appendix in the overnight mail for delivery tomorrow morning to the Court, with service copies provided to Plaintiffs in the same manner.

Wherefore, Allmerica requests that the Court allow it to file Confidential Material under seal.

Respectfully Submitted,

ALLMERICA FINANCIAL LIFE INSURANCE &
ANNUITY CO., FIRST ALLMERICA
FINANCIAL LIFE INSURANCE CO., and
ALLMERICA FINANCIAL CORP.

By their attorneys,

/s/ Jonathan A. Shapiro
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Dated: November 17, 2005

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served on this 17th day of November, 2005 by overnight mail and e-mail on:

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